



STATE OF HAWAII
DEPARTMENT OF HEALTH
P.O. BOX 3378
HONOLULU, HAWAII 96801-3378

In reply, please refer to:
EMD / CWB

07035PEJ.06c
DATE: July 21, 2006
NPDES PERMIT NO.: HI S000081

PERMIT RATIONALE: **APPLICATION FOR NATIONAL POLLUTANT
DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT
TO DISCHARGE TO THE WATERS OF THE UNITED
STATES**

PERMITTEE: **PINN BROTHERS, INCOPORATED**

FACILITY/SITE: **ALII PALMS
ALII DRIVE, KAILUA-KONA
ISLAND OF HAWAII, HAWAII**

FACILITY/SITE ADDRESS

Alii Drive, Between Alii Lani and
Alii Gardens Market Place,
Across Kona By The Sea
Kailua-Kona, Island of Hawaii, Hawaii

PERMITTEE MAILING ADDRESS

Pinn Brothers, Incorporated
1475 Saratoga Avenue, Suite 250
San Jose, California 95129
Contact: Mr. Alan Pinn
President
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PERMIT STATUS

On March 13, 2006, the Permittee submitted a Notice of Intent (NOI) application, dated February 21, 2006 for General Permit coverage of storm water discharges associated with construction activities to Class 2 Inland Water. Upon review of the application, it was found that the project is in the vicinity of the Pacific Ocean, Class AA Marine Water. It was deemed that during any storm event, the storm water runoff from the project would discharge into the Pacific Ocean which is classified by the Department of Health (DOH) as Class AA Marine Waters. The Permittee was advised that discharges to Class AA Marine Waters could not be covered by General Permit and could only be covered by an Individual Permit, and therefore an application for Individual Permit should be submitted in lieu of the initially submitted General Permit application. On June 23, 2006, the Permittee, thru his newly authorized representative, Mr. Bruce Witcher of Witcher Engineering LLP, submitted an NPDES Individual Permit application, dated June 13, 2006. The proposed discharge location to the Marine Water is at: Latitude 19°36'51" N and Longitude 155°58'57" W.

The Director of Health (Director) proposes to issue a permit to discharge to the waters of the State and has included in the proposed draft permit those terms and conditions which the Director determined are necessary to carry out the provisions of the Federal Water Pollution Control Act (PL 92-500), Federal Clean Water Act of 1977 (PL 95-217) and Hawaii Revised Statutes (HRS), Chapter 342D.

SCOPE OF THE CONSTRUCTION ACTIVITY AND LOCATION OF THE PROJECT

Pinn Brothers, Incorporated is proposing to develop 10.15 acres of undeveloped land in the project site into a Subdivision of 58-lot residential houses with infrastructure. Construction is expected to begin with installation of Erosion and Sediment Controls, sediment/percolation basins, site clearing and grubbing. Then followed by roadway excavation/embankment, grading, construction of drainage and water systems, underground electric, telephone and cable TV systems, roadway paving, signing and stripping, house pads, framing and finish carpentry.

RECEIVING WATER CLASSIFICATION

The Pacific Ocean (between Kahului Bay and Holualoa Bay), the receiving State water of the storm water runoff discharging from the construction site, is classified by the DOH as Class AA, Marine Water. The objective of Class AA waters is to remain in their natural state as nearly as possible with an absolute minimum of pollution from any human-caused source.

The uses to be protected are all uses compatible with the protection of the ecosystems associated with waters of this class. These water shall not act as receiving water for any discharge which has not received the best degree of treatment or control compatible with the criteria established for its Class.

OCEAN DISCHARGE CRITERIA

The Director has considered the Ocean Discharge Criteria, established pursuant to Section 403(c) of the Clean Water Act for the discharge of pollutants into the territorial sea, the waters of the contiguous zone, or the oceans. The EPA has promulgated regulations for Ocean Discharge Criteria in 40 Code of Federal Regulations Part 125, Subpart M. Therefore, the Director has determined that the discharge will not cause degradation to the marine environment. Based on current information, the Director proposes to issue a permit.

DESCRIPTION OF THE PROPOSED DISCHARGE

The Permittee requests to discharge storm water runoff from the proposed construction site and shows in the general Best Management Practices (BMPs) Plan that stabilized construction entrance; sediment/percolation basin; silt fence; fuel pit; wash water detention/percolation basin, v-ditch with berm temporary interceptors, and sand bags to keep offsite runoff off the property, will be utilized. BMPs shall be in place prior to the start of construction activities. Controls for

land disturbances shall be in accordance but not limited to the conditions as identified in Hawaii Administrative Rules, Chapter 11-55, Appendix C, Special Conditions for Land Disturbances, and structural controls as indicated in the BMPs Plan.

PERMIT CONDITIONS

The Director has considered the permit conditions to discharge storm water runoff associated with construction activity, established pursuant to the Federal Water Pollution Control Act, Federal Clean Water Act, and the HRS. The Director has determined that the discharge will not cause degradation to the receiving water environment when the Permittee complies with the conditions of the permit. Therefore, based on current information, the Director proposes to issue a permit.

PROPOSED DETERMINATIONS

A. Best Management Practices

The Permittee shall:

1. Refrain from performing any work during heavy rainstorms.
2. Prevent loose particles, sand, soil, silt, and other construction debris at the construction site from being washed away by storm water runoff to the various swales and drainage ways and eventually to the State waters.
3. Remove excavated materials as soon as possible or at the end of each work day. The excavated materials shall be disposed of to a State and/or County approved landfill site.
4. Not discharge water used for dust control and irrigation to State waters.
5. Not discharge hydrotesting/disinfectant water to State waters unless a separate NPDES Permit to discharge to State waters is obtained prior to the discharge..
6. Not discharge dewatering effluent to State waters unless a separate NPDES Permit to discharge to State waters is obtained prior to the discharge.
7. Not discharge water used for concrete curing to State waters.
8. Not discharge concrete or asphalt pavement saw-cutting slurry to State waters.
9. Not stockpile materials on-site without BMPs.
10. Wash-down vehicles and/or equipment and concrete truck drums only at designated areas, as shown on the Storm Water Pollution Prevention Plan, and not discharge the wash waters to State waters.

11. Assure that the implemented BMPs are effective and the discharge effluent is in compliance with the basic State Water Quality Standards.

In addition to the general BMPs provisions proposed in the application, the following requirements are necessary in preventing pollutants to be discharged with the storm water to the receiving State waters. The Permittee shall:

12. Comply with all materials submitted in and with the application, dated February 21, 2006, and additional submittals, dated June 13, 2006, and July 11, 2006.
13. Retain a copy of this permit and other related materials at the job site or at a nearby field office.
14. Design, operate, implement, and maintain the construction site BMPs Plan to ensure that storm water discharges associated with construction activities will not cause or contribute to a violation of applicable State water quality standards.
15. Implement the project site BMPs Plan as often as needed to improve the quality of storm water discharges or when instructed by the Director.
16. Not cause or contribute to a violation of the basic water quality criteria as specified in Hawaii Administrative Rules (HAR), Chapter 11-54, Section 11-54-04.
17. Submit the following to the Clean Water Branch (CWB) at least 30 days prior to the start of construction activities:
 - a. Section 7.b - The concrete curing method, if other than by water spray. If concrete curing method is by water spray, submit a plan showing the size of the sediment basin that will be used for the concrete curing water, and showing the proposed location(s) of the sediment basin(s).
 - b. Section 13.b.v - The county-approved erosion and sediment control plan and/or county-approved grading permit.
 - c. Section 13.b.vi - The updated construction schedule.
18. Immediately stop, reduce, or modify construction, or implement new or revised best management practices as needed to stop or prevent a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.
19. Inspect, at a minimum of once per week, the receiving State waters, storm water runoff and control measures and best management practices to detect violations of and conditions which may cause or contribute to a violation of the basic water quality

criteria as specified in HAR, Chapter 11-54, Section 11-54-04. (e.g., the permittee shall look at storm water discharges and receiving state waters for turbidity, color, floating oil and grease, floating debris and scum, materials that will settle, substances that will produce taste in the water or detectable off-flavor in fish, and inspect for items that may be toxic or harmful to human or other life.)

20. Review the effectiveness and adequacy of the implemented site-specific BMPs Plan(s) and sediment and erosion control plan(s) at a minimum of once per week, and update the plan as often as necessary. Any changes(s) to the site-specific BMPs Plans and/or sediment and erosion control plans or correction(s) to information already on file with the DOH shall be submitted to the CWB as such change(s) or correction(s) arises.
21. Submit signed copies of all reports required by this permit to the Director at the following address or as otherwise specified:

Director of Health
Clean Water Branch
Environmental Management Division
Department of Health
P.O. Box 3378
Honolulu, HI 96801-3378

22. Include the following certification statement and signature on each submittal in accordance with HAR, Chapter 11-55, Section 11-55-07(b):

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine or imprisonment for knowing violations."

23. Include the NPDES permit number on each submittal. Failure to provide the assigned NPDES permit number for this facility on future correspondence or submittals may be a basis for delay of the processing of the document(s).
24. Submit any changes to information on file with the DOH as soon as changes arise.
25. Comply with the following special conditions apply to all land disturbance work

conducted under this permit:

a. Construction Management Techniques

- (1) Clearing and grubbing shall be held to the minimum necessary for grading and equipment operation.
- (2) Construction shall be sequenced to minimize the exposure time of the cleared surface area.
- (3) Construction shall be staged or phased for large projects. Areas of one (1) phase shall be stabilized before another phase is initiated. Stabilization shall be accomplished by temporarily or permanently protecting the disturbed soil surface from rainfall impacts and runoff.
- (4) Erosion and Sediment Control measures shall be in place and functional before earth moving operations begin. These measures shall be properly constructed and maintained throughout the construction period.
- (5) All control measures shall be checked and repaired as necessary, for example, weekly in dry periods and within 24 hours after any rainfall of 0.5 inches or greater within a 24-hour period. During prolonged rainfall, daily checking is necessary. The permittee shall maintain records of checks and repairs.
- (6) The permittee shall maintain records of the duration and estimated volume of storm water discharge(s).
- (7) A specific individual shall be designated to be responsible for Erosion and Sediment Controls on each project site.

b. Vegetation Controls

- (1) Pre-construction vegetative ground cover shall not be destroyed, removed, or disturbed more than 20 calendar days prior to land disturbance.
- (2) Temporary soil stabilization with appropriate vegetation shall be applied on areas that will remain unfinished for more than 30 calendar days.
- (3) Permanent soil stabilization with perennial vegetation or pavement shall be applied as soon as practical after final grading. Irrigation and maintenance of the perennial vegetation shall be provided for 30 calendar days or until the vegetation takes root, whichever is shorter.

c. Structural Controls

- (1) Storm water flowing toward the construction area shall be diverted by using appropriate control measures, as practical.
- (2) Erosion and Sediment Control Measures shall be designed according to the size of disturbed or drainage areas to detain runoff and trap sediment.
- (3) Water must be discharged in a manner that the discharge shall not cause or contribute to a violation of the basic water quality criteria as specified in HAR, Chapter 11-54, Section 11-54-04.

B. Reporting Requirements

The Permittee shall:

1. Complete and submit the enclosed Solid Waste Disclosure Form for Construction Sites to the Office of Solid Waste Management as specified on the form.
2. Submit any changes to information on file with the CWB as soon as changes arise. The Permittee shall properly address all related concerns and/or comments to the DOH's satisfaction.
3. Immediately notify the Director of the incident and identify the pollutant(s) source(s) and the proposed and implemented control or mitigative measures as required in Section 16 of DOH "Standard NPDES Permit Conditions," dated December 30, 2005.
4. Notify the CWB upon termination of the discharge activities.